THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

W.P.No.24612 of 1996

Date:06.03.2006

Between:

P.Venkata Lakshmi

-------PETITIONER

AND

The Joint Collector and others

---------RESPONDENTS

ORDER:

The land of the petitioner admeasuring Acs.9.00 in Sy.No.224 of Khanapuram village of Khammam mandal and district was acquired way back in the year 1970 for the purpose of excavation of left canal of Nagarjuna Sagar. An award was passed on 07.10.1970.

The petitioner approached this Court by filing W.P.No.20998 of 1994 stating that an extent of Ac.0.30 guntas of land acquired from him was not put to use by the respondents and that the same be re-conveyed to him. The writ petition was disposed of on 16.06.1995 with certain directions and consequently, Ac.0.30 guntas of land was re-conveyed to the petitioner.

The petitioner contends that in the recent past it is so emerged that a margin of land admeasuring about Ac.0.30 guntas has remained unused by the department and taking advantage of the same, unauthorized encroachments are coming up. She states that on a representation made by her, the Executive Engineer, Nagarjuna

Sagar Canal, Operation and Maintenance Division, Tekulapalli, the seventh respondent herein, addressed a letter, dated 16.07.1994, to the Superintending Engineer, the third respondent herein, recommending that the said Ac.0.30 guntas of land be handed over to the District Collector, Khammam, the second respondent herein, for onward re-conveyance to the petitioner. This writ petition is filed seeking a direction to the respondents herein to re-convey the said land.

In the counter-affidavit filed by the seventh respondent, it is stated that the petitioner cannot seek re-conveyance of the land and several decisions rendered by this Court and the Supreme Court, were relied upon. It is also stated that the land in question is required for future use.

Heard the learned counsel for the petitioner and the learned Government Pleader for Land Acquisition.

The Supreme Court, in ***CHANDRAGAUDA RAMGONDA PATIL v STATE OF MAHARASHTRA*** held that once the land of a citizen is acquired under the Land Acquisition Act, it absolutely vests in the Government and the previous owner cannot seek re-conveyance of the land. Several other Judgments were rendered on the same lines.

Vast extents of lands are acquired for the purpose of excavation of irrigation canals and other allied purposes. It cannot be said with mathematical perception as to how much land is needed for the purpose of canal and how much can be spared. It must be noted that the estimates are prepared at the time of acquiring the lands, keeping the future needs in mind. The fact that a portion of the land is not immediately used, cannot, by itself, constitute a ground to re-convey the same to the land owner.

The petitioner complains that on account of the encroachments into the portion of the acquired land, the safety to the remaining part of her land is under threat. This complaint cannot be brushed aside. The respondents, who have acquired the land, are under obligation to ensure that it is not put to any other use, except where the

demand is acute and with their specific permission. If encroachments and hutments are permitted to come up along the irrigation canals, there is a threat to the safety and maintenance of the canal.

For the foregoing reasons, the writ petition is dismissed, but, the respondents are directed to ensure that no encroachments take place or remain along the canal within the land, which is acquired for that purpose.

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06.03.2006

kdl